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(USA), N.A.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Cynthia Wheeler,

Plaintiff,

v.

Trans Union, LLC, Experian Information
Solutions, Inc., Equifax Information Services,
LLC, America First Credit Union, Capital
One Bank (USA) N.A. and Kohl's Inc.,

Defendants.

Case No. 2:22-cv-01660-GMN-BNW

**STIPULATION TO EXTEND TIME TO
RESPOND TO COMPLAINT**

(FIRST REQUEST)

Pursuant to Local Rules 6-1 and 6-2, defendant Capital One Bank (USA), N.A. (“Capital One”), and plaintiff Cynthia Wheeler (“Plaintiff”), by and through their counsel of record, hereby submit this Stipulation To Extend Capital One’s Time to Respond to Plaintiff’s Complaint, as follows:

WHEREAS:

1. Plaintiff filed the Complaint in this matter in this Court on October 1, 2022;
2. Capital One was served with the Complaint on October 4, 2022, which provided for a responsive pleading deadline of October 25, 2022;
3. The Parties recognize that under LR IA 6-1 stipulations for an extension of time made after the expiration of the responsive pleading deadline will not be granted unless the moving party can demonstrate that the failure to act was the result of excusable neglect. The showing of

excusable neglect is as follows:

Counsel was first contacted and retained in this matter on October 19, 2022. Shortly thereafter, on October 21, 2022, counsel for the undersigned parties agreed to extend Capital One's responsive pleading deadline to allow sufficient time to obtain and review Capital One's internal files pertaining to the allegations in the Complaint and prepare its response. Prior to the responsive pleading deadline, Capital One circulated a stipulation memorializing this agreement on October 24, 2022, which was approved by Plaintiff and filed on October 27, 2022. This stipulation is filed in good faith and not intended to cause delay.

4. Capital One conferred with counsel for Plaintiff regarding Capital One's initial findings and request for information, which may have an impact on whether an early resolution is available before incurring further litigation costs;

5. While the parties continue to discuss, and Capital One continues to research Plaintiff's allegations, the parties agreed to an extension for Capital One to file its response to the Complaint, such that the responsive pleading deadline would be November 15, 2022;

6. This is the first extension sought in connection with this deadline;

7. This extension is requested to allow the parties time to continue investigating Plaintiff's claims and exploring the potential for an early resolution; and

8. Neither Plaintiff nor any other party to this action will be prejudiced by the Court granting Capital One the requested relief. Also, the requested extension is not for the purposes of unnecessary delay.

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NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

Capital One's time to file a responsive pleading to Plaintiff's Complaint is extended. Capital One shall file its responsive pleading on or before November 15, 2022.

DATED: November 3, 2022

DATED: November 3, 2022

KIND LAW

MCDONALD CARANO LLP

By: /s/ Michael Kind

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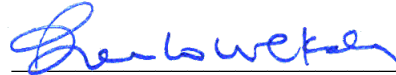
Attorneys for Plaintiff Shawn Walker

By: /s/ Karyna M. Armstrong

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*Attorneys for Defendant, Capital One
Bank (USA), N.A.*

IT IS SO ORDERED:



UNITED STATES DISTRICT COURT JUDGE

DATED: November 4, 2022